



STATEWIDE GRIEVANCE COMMITTEE

www.jud.state.ct.us

Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

04/29/2005

OFFICE OF CHIEF DISCIPLINARY C
80 WASHINGTON ST
HARTFORD CT 06106

GENARO R HATHAWAY
5 OVERBROOK LANE
PO BOX 1214
WESTON CT 06883

RE: GRIEVANCE COMPLAINT #04-0979
LANDINO vs. HATHAWAY

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney Stephen J. Conover
Antonietta Landino



STATEWIDE GRIEVANCE COMMITTEE

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287 Main Street, East Hartford, Connecticut 06118-1885

Attorney Frank Blando
Chief Disciplinary Counsel's Office
80 Washington Street
Hartford, CT 06106

Attorney Genaro R. Hathaway
P.O. Box 1214
Weston, CT 06883

RE: Grievance Complaint #04-0979, Landino v. Hathaway

Dear Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter "*Conditional Admission*") filed March 29, 2005 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on April 13, 2005, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

cc: Antonietta Landino
Attorney Stephen J. Conover

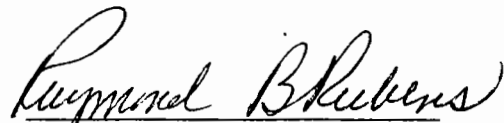
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DECISION DATE: 4/29/05


Grievance Complaint #04-0979

Decision

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Attorney Raymond B. Rubens

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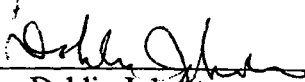


Attorney Dominick Rutigliano

Grievance Complaint #04-0979

Decision

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Ms. Dahlia Johnston

STATEWIDE GRIEVANCE COMMITTEE

NO. 04-0979

ANTONIETTA LANDINO
Complainant

Vs.

GENNARO R. HATHAWAY
Respondent

RECEIVED

MAR 29 2005

STATEWIDE
GRIEVANCE COMMITTEE

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant on or about October 7, 2004.
2. On December 20, 2004, the Judicial District of Stamford/Norwalk Grievance Panel found Probable Cause that the Respondent violated Rules 1.15 (a) and (b), 4.4, and 8.4 (4).
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting the facts of the complaint.
4. It appears that the dispute between the Complainant and Respondent arose out of Respondent's representation of the seller in an aborted real estate transaction, which failed because Respondent's client was unable to convey marketable title to the property.
5. Respondent's client told Respondent that the client had filed bankruptcy and that Complaint was a listed creditor with regard to that filing and Claimant's claim for return of the deposit funds was stayed pending resolution of the

bankruptcy, but, in fact, the client had filed a bankruptcy petition, but that petition had been dismissed.

6. Respondent failed to independently verify the continued status of the said bankruptcy filing.
7. As a result, based on a faulty premise, Respondent failed to duly refund Complainant's deposit funds without legitimate authorization to withhold said refund.
8. Respondent has been admitted to practice in Connecticut since July 21, 1989, and he does not have a history of grievance complaints and assures Disciplinary Counsel that this is an isolated matter.
9. Disciplinary Counsel and Respondent have stipulated and agreed that if the Committee accepts this Conditional Admission and Agreement, Respondent will be issued a **REPRIMAND** and that such is an appropriate resolution of this matter.
7. Complainant has been consulted as to the proposed resolution of this matter and consents thereto.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Office of Disciplinary Counsel

3/29/05
Date

Frank P. Blando
BY: Frank P. Blando
Assistant Disciplinary Counsel

Respondent

3/28/05
Date

Gennaro R. Hathaway
Gennaro R. Hathaway

AFFIDAVIT

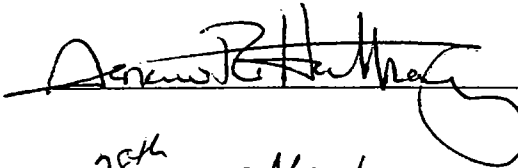
STATE OF CONNECTICUT)

) ss. **Weston**

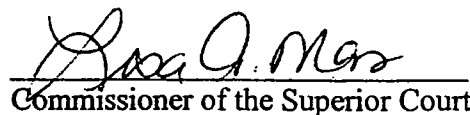
COUNTY OF FAIRFIELD)

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82, I make the following affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I herein consent to the form of discipline set forth in the attached Conditional Admission and Agreement as to Discipline.
3. I am aware that I have a right to a full evidentiary hearing on this matter, and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress, and I am fully aware of the implications of this Affidavit and my conditional admission.
5. I am fully aware of the current proceeding regarding my violation of Rules 1.15 (a) and (b), 4.4 and 8.4 (4), and I hereby acknowledge my failure to promptly deliver the Complainant's deposit funds to her despite her legitimate claim to said funds and court order that I do so.
6. I hereby further acknowledge the validity of all the material facts underlying and giving rise to this matter.



Subscribed and sworn to before me this 28th day of March, 2005.


Commissioner of the Superior Court

Notary Public

LISA A. MAS

NOTARY PUBLIC OF CONNECTICUT

My Commission Expires My Commission Expires Feb. 28, 2007